

In essence, I oppose this petition, primarily since it specifically flies in the face of Parts 97.501 through .505

§97.501 Qualifying for an amateur operator license.

Each applicant must pass an examination for a new amateur operator license grant and for each change in operator class. Each applicant for the class of operator license grant specified below must pass, or otherwise receive examination credit for (note: see .505) the following examination elements:

- (a) Amateur Extra Class operator: Elements 1, 2, 3, and 4;
- (b) General Class operator: Elements 1, 2, and 3;
- (c) Technician Class operator: Element 2.

§97.503 Element standards.

(a) A telegraphy examination must be sufficient to prove that the examinee has the ability to send correctly by hand and to receive correctly by ear texts in the international Morse code at not less than the prescribed speed, using all the letters of the alphabet, numerals 0-9, period, comma, question mark, slant mark and prosigns AR, BT and SK. Element 1: 5 words per minute.

(b) A written examination must be such as to prove that the examinee possesses the operational and technical qualifications required to perform properly the duties of an amateur service licensee. Each written examination must be comprised of a question set as follows:

(1) Element 2: 35 questions concerning the privileges of a Technician Class operator license. The minimum passing score is 26 questions answered correctly.

(2) Element 3: 35 questions concerning the privileges of a General Class operator license. The minimum passing score is 26 questions answered correctly.

(3) Element 4: 50 questions concerning the privileges of an Amateur Extra Class operator license. The minimum passing score is 37 questions answered correctly.

§97.505 Element credit.

(a) The administering VEs must give credit as specified below to an examinee holding any of the following license grants or license documents:

(1) An unexpired (or expired but within the grace period for renewal) FCC-granted Advanced Class operator license grant: Elements 1, 2, and 3.

(2) An unexpired (or expired but within the grace period for renewal) FCC-granted General Class operator license grant: Elements 1, 2, and 3.

(3) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Plus Class operator (including a Technician Class operator license granted before February 14, 1991) license grant: Elements 1 and 2.

(4) An unexpired (or expired but within the grace period for renewal) FCC-granted Technician Class operator license grant: Element 2.

(5) An unexpired (or expired) FCC-granted Novice Class operator license grant: Element 1.

(6) A CSCE: Each element the CSCE indicates the examinee passed within the previous 365 days.

(7) An unexpired (or expired less than 5 years) FCC-issued commercial radiotelegraph operator license or permit: Element 1.

(8) An expired FCC-issued Technician Class operator license document granted before March 21, 1987: Element 3.

(9) An expired or unexpired FCC-issued Technician Class operator license document granted before February 14, 1991: Element 1.

(b) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any other license grant or document.

All above emphasizing is mine.

Richard T. Martin, N6ZQ

I can never remember any instance of upgrading without examination as proposed in this Petition in my 49 years of being licensed. Permit me to quote from the Rules and Regulations published in the ARRL 1950 License Manual (the earliest I have been able to obtain):

12.41. *When examination is required.* Examination is required for the issuance of a new amateur operator license, and for a change in class of operating privileges. Credit may be given, however, for certain elements of examination as provided in section 12.46 (**deals with previous Class A holders, upgrades from class B, and holding a commercial telegraph license.**)

So, I ask the reader-- although the wording has necessarily changed with the years, has the basic intent of the section changed? (I personally think not and I hope you will concur).

I read the old and new references cited above at our club meeting and asked my Division Vice Director (who was present) how it could be done with the present wording. His reply was that those sections would have to be changed. Strange—there is not one word regarding this in any of the eighteen petitions that have been issued RM numbers. I believe that such a major revision would have to be handled as generally specified in Title 47, Chapter 5, Subchapter III Part 1, Section 553.

It has always been incumbent upon a newbie in any endeavor: Driving, Flying or Ham Radio as examples, to personally see if that field will provide the desired outcome(s) with respect to the conditions involved. Or, how much effort am I required to put forth to be able to do what I want within the applicable laws.

For details on my analysis of this petition, please read the following pages. Thank you.

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Page	Para	Sent
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I. INTRODUCTION AND SUMMARY

2	1	All	True
	2	1	What is the rationale, when the FCC is “satisfied”?
	2, 3		Then why was it not fought for by amateur radio organizations? Since “original purpose” is mentioned, should a new (if enacted) class embody distinctive callsigns and no renewal?
	3	1	True
		2	This augers with part 97.1(a).
		3	As well it should, since the FCC clearly defined us as “fundamentally a technical service” in 98-143.
		4	Agreed, but then why does this petition forbid any “home-brewed” equipment? (see Para 19(f) on page 13)
3	4	1	What is the rationale, when the FCC is “satisfied”?
	5	1	Previous licensees had to be familiar with OET 65 Appendix B, so why not now?
	6	All	I generally concur.
	7	1	I tend to disagree, give the well-discussed Section 303. Please read it, specifically (l)(1) and then relate the eligibility for employment concept to amateurs under 10 years of age, particularly those who have attained the Extra Class.

II. BACKGROUND

A. Inadequacies of the...

4	8	1	Yet the FCC is satisfied.
		2 thru 6	I agree.
		7	This is also true and is the legal basis for the “Instant General” with the April 15, 2000 change.
		8 & 9	I agree

- 5 9 1 It was “above 220 megacycles” in old section 12.23 (‘51 License Manual, page 47). Lower limits came later.
 2 thru I agree.
 4
 5 Then is it any less important to understand the basics today? If so, why? The class of license has no bearing on the electronic operation of the equipment.
- 10 1 Precisely what is the unstated “compromise between diametrically opposed goals”?
 2 Yet an unlicensed person today can go direct to Extra Class in one sitting just by copying 25 straight characters and correctly answering 99 published multiple choice questions (given a sturdy butt) and is instantly empowered to do anything permitted within Part 97. Is this person not truly a “beginner”? Does this give the basis for a return to holding a license for a given time before upgrading (RM-10807), or do we just keep the doors open for everyone?

B. Amateur radio has failed...

- 6 11 1 Where is the validation?
 2 And it had to be, given the purposes of each license.
 3 I do not concur that “engineering skills” were to be part of any amateur written exam. If it were, I probably would not have been licensed in 1955.
 4 Please cite examples, so that we may know if the reference is one or one million or somewhere in-between.
 5 & 6 Validation again?
 7 Ah, the end of the spin.... Do they intend to follow the intent of Part 97.1 (unchanged since 1951) and exactly how will it be accomplished?
- 7 12 1 thru These words are true, but then consider what the technology of the
 7 day was (and are those facts relevant to today’s technology?).
 Would what was then a 20 question test be proper for today’s new applicant? I doubt it.
 8 Now that more off-the-shelf gear was available, the game plan changed. In retrospect, was this such a good idea?
 9 I personally feel that allowing the Novice to be renewed was a disservice to the intent of that license (Sorry, Mr. Chronkite).
 11 That is exactly what is was set up to do, be an area to learn and move up to bigger and better things.

II. (sic) PROPOSAL

D. Creation of...

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| 11 | 17 | 1 & 2 | This is a good thought, but the FCC has expressed satisfaction with their current classes. |
| | 18 | All | Please refer to my comment on paragraph 10, sentence 2. |
| 12 | 19a | 1 | “Communicator” was the name used by the ARRL proposal in the early ‘90s for a two-track method to the Extra. Might cause confusion to some. |
| | | 2 | Agreed. |
| | | 3 | Definitely, but what should it be? |
| | 19b | | I feel that since this is a beginner’s license, the term should be a maximum of 5 years and not renewable, as the now defunct Novice was in its early life. |
| | 19c | | Easily identifiable calls, without vanities, is a great idea. |
| | 19d | All | Power limits for beginner’s licenses are an historical given. But again, consider that someone who passes the General or Extra at their first sitting, would have no more practical knowledge and practical understanding of RF power hazards. Where and what are the mitigating factors here: license class or (hopefully) experience? And bypassing OET 65 Appendix B may not be a good thing. |
| 13 | 19e | 1 | 30 VDC can be fatal; it only takes about 10 mA through the heart to be fatal, and this can be done with lesser voltages given the conditions (30 kOhm path). |
| | | 2 | Safety is always paramount, while driving, flying or operating amateur radio. But is it legislatable? |
| | | 3 | Note: the Yeasu FT-1000MP takes a FP-29 power supply, which can put out 15A at 30 V. This enough power to instantly “upgrade” the new licensee to Arc Welding 101. This begs the question: if this the final R & O contains similar wording, how many new hams will rush out and buy this transceiver? Probably not that many, but given the “justification” of some petitions that many people are currently being deterred by Morse and the difficult written test, there are undoubtedly a few who can afford it from the start. |
| | | 4 | Given that most equipment available runs on +14 VDC, this won’t be much of a problems, but it does limit the equipment available, either by purchase or loan. |

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| 13 | 19f | 1 | This parallels the Canadian Basic License ideas. See Industry Canada RIC-3 paragraph 1.3 (page 3). |
| | | 2, 3 | The reason presented sounds good, but what would happen if the inexperienced kit builder makes a cold solder joint somewhere in the final stage and generates harmonics and spurs from the rectification process? |
| | | 4 | Given the stated past histories of the Novice and Technician licenses, where does the “upgrade fairly quickly” come from? Several petitions bemoan this lack of upgrading. |
| | 19g | 1, 2 | What is the justification for permitting some modes, while prohibiting others? |
| | | 3 | Excuse me, but I’ve just gotta ask: exactly what is the differentiation between a “normal” repeater, and its obvious counterpart, an “abnormal” repeater. I’ve looked in my copy of Part 97 and can’t find their definitions. I can, however, find “Repeater” at 97.3 (39). |
| 14 | 19h | All | Why was 160 not included? RM-10868 includes it. And why was the top limited to 450 MHz., when some commercially manufactured rigs are made for 1.2GHz.? Icom’s D-STAR digital system works on 1.2 GHz. |
| | 19i | All | Agree, and re sentence 1, see my remarks at 19f sentence 1 above. |
| | 20a | | How will this 20 question test adequately fulfill the requirements of 97.501 et seq? Will a syllabus be issued, so that the general population can contribute? |
| | 20b | 1, 2 | This should be mandatory for all stations, either in hard copy or instantly available to the operator on the Internet. |
| | | 3 | Exactly how will “understanding” be verified and by whom? Abiding by all pertinent regulations is mandatory in all situations, but it also follows that any licensee is required to follow updates, and “as they then exist” really has no meaning. Perhaps the best way to cover this issue (and for all upgrades) would be for the VE team to provide the applicant with a copy of the <u>current</u> part 97 and have the applicant both answer ## questions <u>and</u> provide the reference within a given time. The same method could be used for RF exposure with OET65, Appendix B. |
| | 20c | | Debatable. |
| | 20d | All | Would this “pamphlet” be nationally or locally generated and by whom at what cost to the new licensee? |
| 15 | 21 | All | General agreement. |

15 22 &
23 Given the general downgrading of Morse along with no Morse testing for this proposed license, I can envision more crowding in already full existing phone segments. This will obviously lead to further petitions to expand the phone segments. Again, I refer to RM-10868, paragraph 5 as to a concept of why this license class should be prohibited from 75 and 40 Meter phone.

Analysis of spectrum allocations (including Extra):

	Current width,	%	Proposed width,	%
80 (a)				
50 kHz V	200 kHz	20.0	325 kHz	15.3
125 kHz CW	250 kHz	50.0	175 kHz	71.4
40 (b)				
50 kHz V	150 kHz	33.3	200 kHz	25.0
100 kHz CW	150 kHz	66.7	100 kHz	66.7
15 (c)				
100 kHz V	250 kHz	40.0	300 kHz	33.3
100 kHz CW	200 kHz	50.0	150 kHz	66.7
10 (d) complicated by proposed new subband				
(1) 200 kHz V	1.4 MHz	14.3	1.4 MHz	14.3
(2) 700 kHz V	NONE	----	700 kHz	50.0
(3) 100 kHz CW	200 kHz	50.0	100 kHz*	50.0

* subband moves but width remains the same width

16 Also, 10 meters has always been available to Generals and up

I would note the high percentage of CW subbands available to this license class, who would not be tested on Morse. Is it a subtle warehouse for more phone spectrum in the future?

16 23e 1 It should be noted that band plans have no legal status and an RM to make them legal was not enacted a few years ago.

F. License upgrades...

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|----|--------|------|--|
| 17 | 24 | 1, 2 | I entirely disagree with this concept. Please see my opening statement. Thank you. |
| | | 3 | This contradicts the Petitioner's statement in 19a (page 12) that "Communicator Class licensees should have some special way of being easily identified". If the "upgraded" Novice, did not chose to change the existing call, possibly held for decades, then the purpose of this section would be defeated and there would possibly be a resurgence of the old Code vs. No-Code Techs routine. |
| 18 | 25, 26 | All | I entirely disagree with this concept. Please see my opening statement. Thank you. |
| | 27 | 1 | I would agree only after this entire restructuring issue has been settled by the FCC. |
| | | 2,3 | Given the wide time range over which the various forms, content and testing methodologies have occurred, there is no way that I can concur with these statements. |
| 19 | 28 | All | This paragraph assumes the death of Morse testing. I do not agree. For those interested in the depth of my opinion, please research the two previous batches of code-related RM's on the FCC EFCS database. You'll find others with interesting comments. |
- Parenthetical question: To date, how many countries have completely eliminated Morse testing? How does this relate in percentage of countries and total world-wide amateur licenses?

G. Minimal impact...

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| 19 | 29 | 1 | Parenthetical question: Has anyone been able to decipher the 2004 FCC budget to determine what percentage of the total is specifically allocated to amateur radio? I inquired of the FCC a month ago, and basically all they did was send me a link (which I already had) to the total budget. |
| | | 2 | Other petitions have the same goal and similar wording. |
| | | 3 | No comment. |
| | | 4 | Am I missing some words her that would pertain to the written test, since it was proposed in paragraph 25 to do an instant upgrade? |
| | | 5, 6 | These would be logical consequences if the petition becomes law. |

20 30 1,2 I concur.
 3,4 Isn't the true intent of this petition to make it vastly easier to obtain
 an entry license that is less involved than the current Technician
 testing procedure? If so, won't there be a might inrush of new
 applicants for the new, shiny and "Now, easier than ever" license?
 See their paragraph 31.
 5 I would imagine that if prediction were easy, the NCVEC persons
 would pool their (meager) personal wealth and get fully involved
 in the stock market.

H. Conclusion

20 31 1 I agree.
 2 Exactly what issues are we discussing here?
 3,4 Please see my comment at paragraph 14, sentence 2. Do these
 5 people intend to be part of RACES (Part 97.401 et seq) or is this
 a permission to legally run higher power than permitted in the
 various sections of Part 95 for their own use and possibly interfere
 with long established and vital networks?

21 32 1 Please see my parenthetical note at the end of paragraph 28.
 2 Please see my comment at paragraph 7, sentence 1.

I realize this is a long reply to yet another long petition. But, since the future of amateur radio and the foundation on which it has stood for all these years, is seriously at stake, I felt I needed to get my opinions out to the other hams, the interested public and the FCC.

Since Appendix A contains the legalese that comes with the petition, I shall not comment on it.

Thanks for sticking with me though it.

73

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